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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2000
Washington, DC 20529-2000



U.S. Citizenship
and Immigration
Services

Δ7

DATE:

OCT 14 2011

Office: CALIFORNIA SERVICE CENTER

FILE:

IN RE:

Petitioner:

Beneficiary:

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,


Perry Rhew

Chief, Administrative Appeals Office

DISCUSSION: The Director, California Service Center, initially approved the nonimmigrant visa petition. The director subsequently issued a notice of intent to revoke the approval of the petition, and, after reviewing the petitioner's rebuttal evidence, issued a notice of revocation. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will dismiss the appeal.

The petitioner filed this nonimmigrant petition to employ the beneficiary pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L), as an intracompany transferee employed in a managerial or executive capacity. The petitioner, a [REDACTED] corporation, claims to operate as a cosmetics retailer and distributor, and states that it is an affiliate of [REDACTED], located in [REDACTED]. The petitioner has employed the beneficiary as its chief operating officer since June 2001 and seeks to extend his L-1A status for a period of approximately thirteen (13) months.

The director revoked the approval of the petition on June 22, 2009, concluding that the petitioner failed to establish: (1) that the U.S. and foreign entities are qualifying organizations that are doing business as defined in the regulations; (2) that the beneficiary will be employed in the United States in a primarily managerial or executive capacity; and (3) that the beneficiary was employed by a qualifying organization abroad for one continuous year within the three years preceding his admission to the United States in L-1A status in 2001.

A review of U.S. Citizenship and Immigration Services (USCIS) records indicates that the beneficiary of this petition was also the beneficiary of an approved Form I-130, Petition for Alien Relative, and that he has adjusted status to that of a U.S. permanent resident as of October 27, 2009. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is presently a lawful permanent resident and the issues in this proceeding are moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed.